IN THE MISSOURI COURT OF APPEALS WESTERN DISTRICT

COMPLETE TITLE OF CASE

SLESS SHALEEN RILEY,

Appellant,

v.

DIRECTOR OF REVENUE,

Respondent.

DOCKET NUMBER WD73956

MISSOURI COURT OF APPEALS WESTERN DISTRICT

DATE: October 2, 2012

APPEAL FROM

The Circuit Court of Johnson County, Missouri The Honorable R. Michael Wagner, Judge

JUDGES

Special Division: Fischer, P.J., and Pfeiffer and Witt, JJ.

CONCURRING.

ATTORNEYS

Danieal H. Miller and Bradley H. Lockenvitz Columbia, MO

Attorneys for Appellant,

Chris Koster, Attorney General Jennifer A. Wideman, Assistant Attorney General Jefferson City, MO

Attorneys for Respondent.



MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

SLESS SHALEEN RILEY,)	
)	
	Appellant,)	
v.)	OPINION FILED:
)	October 2, 2012
DIRECTOR OF REVENUE,)	
)	
	Respondent.)	

WD73956 Johnson County

Before Special Division Judges: Zel M. Fischer, Presiding Judge, and Mark D. Pfeiffer and Gary D. Witt, Judges

Sless Shaleen Riley appeals from the judgment of the Circuit Court of Johnson County, Missouri, upholding the Director of Revenue's administrative revocation of Riley's driving privileges. Riley argues that the trial court erred because the judgment relied upon blood alcohol content ("BAC") evidence that was not obtained in compliance with the foundational requirements of sections 577.020 to 577.041. Specifically, Riley argues that this evidence was obtained in violation of her statutory right to consult counsel prior to submitting to a BAC test.

AFFIRMED.

Special Division holds:

Although evidence of Riley's BAC blood test results would have been inadmissible if it had been objected to on the grounds that it was not procured in compliance with the foundational requirements of sections 577.020 to 577.041, Riley stipulated to the admissibility of the toxicology report at the trial *de novo*. Once evidence is properly admitted (although it could have been excluded), it may be used for any purpose. Thus, the trial court was authorized to consider and rely upon the BAC results reflected in the toxicology report to be credible and reliable evidence of Riley's BAC level at the time she was driving to satisfy the Director's burden of proof of Riley's intoxication.

Opinion by: Mark D. Pfeiffer, Judge October 2, 2012

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